



**ZONING ADMINISTRATOR**  
**NOTICE OF DECISION**

**Date:** June 8, 2011  
**Applicant:** Shea Homes  
c/o John Vance, Sarah Beckman  
**Case No.:** PCC-11-021  
**Address:** 3157, 3158, and 3161 Via Viganello, Chula Vista, Ca.  
APN 585-220-44, 45, 46  
**Project Planner:** Richard Zumwalt, A.I.C.P.

Notice is hereby given that on June 8, 2011, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-11-021, filed by Shea Homes ("Applicant"). The Applicant requests a CUP to establish a model home complex, including a temporary offices and a parking lot on an adjacent lot. The Project is located at 3157, 3158, and 3161 Via Viganello in the Bella Lago Planned Community ("Project Site") and is owned by Shea Homes Limited Partnership ("Property Owner"). The Project Site is regulated by the Bella Lago Precise Plan, and zoned Single Family Estate Residential (SFE1) with a General Plan designation of Residential - Low (RL), permitting single-family residential development at densities ranging from 0-3 dwelling units per acre. The site includes lots 44, 45, 46 and 47 of Tract Map 15339. The Project is more specifically described as follows:

The Project includes three single-family residential homes to be used as model homes, ranging in size from a 5 bedroom, 4.5 bath, 4,674 sq. ft. home, to a 4 bedroom, 4.5 bath, 5,279 sq. ft. home. A temporary sales office will be located in the garage at 3161 Via Viganello (lot 46), a temporary ADA accessible restroom in the garage at 3157 Via Viganello (lot 45), and a temporary superintendent's office in the garage at 3158 Via Viganello (lot 44). The site will also include temporary flags and signage for the sales office and model homes, a temporary trellis at the entry to the sales office, and a single off-street handicapped parking space on lot 47. On street customer parking will be provided on Via Viganello.

The Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to 15301 (Existing Facilities) of the State CEQA Guidelines. The proposed project consists of the temporary use of three single-family homes for model homes and temporary conversion of garages into offices and restrooms. This use constitutes negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code (CVMC) and the Development Regulations (Chapter IV) of the Bella Lago Precise Plan, has been able to make the conditional use permit findings as required by CVMC Section 19.14.080:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The location of the temporary model home complex is desirable due to its high visibility and proximity to the entrance of the newest phase of the Bella Lago Community. The model home complex will allow the applicant to provide a facility to conduct home sales and provide information to the general public regarding the Bella Lago Planned Community.

- 2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The project architectural and landscape design will complement the existing homes in the neighborhood. The project is conditioned to require the applicant to post bonds in an amount to be determined by the Zoning Administrator to be adequate to insure that the temporary features of the model home complex, such as the offices, restroom facilities, signage, flags, and parking lot and shall be removed at the completion of sale of all units. The parking lot and restroom will be constructed in compliance with handicapped accessibility requirements to provide sufficient parking and facilities for customers. Thus, the model home complex and temporary parking lot will not be detrimental to the health, safety or general welfare of the neighborhood.

- 3. That the use will comply with the regulations and conditions specified in the code for such use.**

The conditional approval of PCC-11-021 requires continuing compliance with all conditions, codes and regulations, as applicable, prior to the final issuance of any permit or occupancy of the facilities on the project site.

- 4. That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

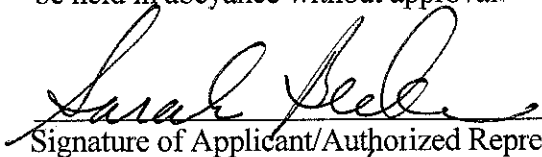
The proposed use is permitted upon approval of a Conditional Use Permit pursuant to Development Regulations of the Bella Lago Precise Plan, and CVMC Section 19.14.080. The General Plan does not specifically address temporary uses. Thus, the granting of this Conditional Use Permit is in substantial compliance with the Bella Lago Precise Plan and Chula Vista General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-11-021 as described above subject to the following conditions of approval:

**I. Prior to issuance of the building permit for the model home sales office and commencement of the use in reliance upon this approval, the Applicant shall satisfy the following requirements:**

**Planning Division**

1. Prior to the approval by the City of Chula Vista for the use the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

  
\_\_\_\_\_  
Signature of Applicant/Authorized Representative

6/6/11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Property Owner

6/6/11  
\_\_\_\_\_  
Date

2. The Project shall be constructed in substantial conformance with the approved site plans, building elevations and model home color schemes dated April 7, 2011, and landscape construction plans for BR10-0284-0286 approved 03/28/11.
3. Obtain building permit approval to the satisfaction of the Building Division, for accessory structures shown on the site plan or landscape plan, such as cabana buildings, fireplaces, barbecue islands, patio covers, and the temporary entry trellis for the sales office.
4. The entry monument signage on Lot 47 shall be constructed within the HOA-maintained landscape area and not within the public right of way or the private homeowner-maintained area, to allow for future HOA maintenance.

5. Submit two (2) faithful performance bonds to ensure conversion and removal of temporary facilities and improvements, prior to issuance of the building permit for the model home sales office, as follows:
  - a. One (1) \$3,000 bond for model home lots 44, 45, and 46, for the sales office, superintendent office, accessible restroom, model identification home signage and trap fencing;
  - b. One (1) \$1,000 bond for the temporary parking lot on lot 47, freestanding signage and flags on lots 42 and 43;
  - c. There is no specific format required for these bonds. When the offices are converted back into a garage, and the signage, flags, temporary parking lot, and the temporary accessible restroom are removed, the applicant shall submit a letter to the Development Services Department requesting release of the bonds.
6. Temporary freestanding on-site subdivision signage shall comply with the signage requirements of CVMC Section 19.60 600(E)(2), and signage plans and elevations dated 4/07/11, as follows:
  - a. Permitted temporary signs shall be erected at the locations specified on the signage site plan. Signs include one freestanding sign with 96 square feet of sign area, not to exceed 20 feet in total height; and one model home identification sign for each model home (total of 3), to be 5 feet in height and 4 square feet in sign area.
  - b. Temporary signs shall comply with sight visibility requirements of the Land Development - Engineering Division, and shall not be located closer than 10 feet to a property line or edge of the public street right-of-way.
  - c. Permitted temporary flags shall be erected at the locations specified on the signage site plans. Temporary flags shall not exceed 24 square feet in size and the height of flag poles shall not exceed 18 feet in height.

**Building Division:**

Submit building plans and required fees for the model home sales office and accessory structures to the satisfaction of the City Building Official per the following requirements:

7. Building permits shall comply with the 2010 Ca. Building Code (CBC), Ca. Mechanical Code, Ca. Plumbing Code, Ca. Electrical Code, Ca. Fire Code, and 2008 Ca. Energy Code, or as determined by the City Building Official.
8. The project must comply with Disabled Access requirements, to the extent mandated by Title 24.
9. The building plans must be designed by a State of California licensed architect or engineer, per Ca. Business and Professions Code 5536.1, 6735.

10. The building plans for the sales office must comply with applicable Building Division requirements for a temporary sales office.

**Land Development Division /Landscape Architecture**

11. Prior to final inspection of the sales office building permit, the Applicant shall install landscaping, irrigation and improvements as shown on the Landscape Construction Drawings approved in conjunction with BR10-0284-0286, approved 3/28/11.
12. The Applicant shall obtain a construction permit from the Development Services Department to perform all work in the City's right-of-way, including:
  - a. Removal and replacement of any broken curb, gutter or sidewalk as determined by the Public Works Inspector.
  - b. Construction of sidewalk underdrain pipes. The construction of the sidewalk underdrain pipes shall be per SDRSD D-27.
13. The parking for the sales office must be paved and ADA compliant. Pedestrian ramps shall be constructed per ADA standards and approved by the City.
14. Temporary improvements (such as trap fence, signs, etc.) located in street right of way, City easements or City owned Open Space Lots should require approval an encroachment permit, prior to construction of the improvements.
15. The following fees will be required based on the final building plans submitted:
  - a. Sewer Connection and Capacities fees;
  - b. Development Impact Fees;
  - c. Traffic Signal Fees.
16. If construction is being done adjacent to the sale office and the model units, then barricades shall be installed to prevent customer access to construction area.
17. The Applicant is required to comply with the requirements of the NPDES Municipal Permit, Order No. 2001-01.

**Department of Public Works / Environmental Services Division**

18. The project shall comply with applicable trash and recycling requirements of the Department of PublicWorks / Environmental Services Division for a small waste generator type of business.

**Fire Department**

The Applicant shall submit and obtain approval of building plans that comply with the 2007 Fire Code, and with the Fire Department conditions of approval listed below:

Fire Department Underground Fire Service Utilities:

19. This project will require a fire flow of 1,500 gallons per minute for a 2-hour duration (at 20psi).
20. The Applicant shall provide a letter from the Otay Water District (re: fire flow) to the Fire Department indicating that the above-mentioned fire flow is available to serve this project.
21. Fire Hydrants shall be located no greater than 500 feet apart for single-family residences.

Automatic Fire Sprinkler Systems:

22. Submit Fire sprinkler plans to the Fire Department for approval prior to installation.

Fire Department Access:

23. The building(s) shall be addressed in accordance with the following criteria:
  - a. Buildings located within a distance of 0-50ft from the building to the face of the curb require addresses equal to 6-inches in height with a 1-inch stroke.
24. The following shall be completed or installed to the satisfaction of the Fire Department prior to occupancy of the model homes and sales office:
  - a) Fire Hydrants;
  - b) Road Access;
  - c) Street signs and address numbers;
  - d) Water Supply;
  - e) One fire extinguisher for each model home.

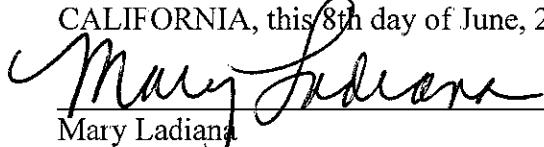
**II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.**

1. The Applicant shall maintain the Project in accordance with the approved site plan dated April 7, 2011 (which includes a site plan, signage plans and building elevations) for PCC-11-021, on file in the Planning Division, and the landscape construction plan approved March 28, 2011; and the conditions of approval contained herein.

2. Hours of operation shall be from 9 am to 6 pm daily.
3. The public street right-of way of Via Viganello shall be kept clear of construction and delivery vehicles, and construction materials at all time during hours of operation of the sales office, in order to provide customer parking on the street.
4. The landscaping shall be well-maintained and the site kept free of litter, trash and debris at all times.
5. The operation of the model home sales office use is contingent on the on-going sale of land and buildings, and this use shall terminate 60 days after the sale of the last house. After this time limit has expired the commercial use shall cease, temporary improvements removed, and alterations made to convert the model home complex and sales office to residential use, or removed at the owner's expense.
6. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
7. The Applicant shall execute this Conditional Use Permit as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
8. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
9. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.

- 10 If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this 8th day of June, 2011.

  
\_\_\_\_\_  
Mary Ladiana  
Zoning Administrator